GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

UNSTARRED QUESTION NO:1705
ANSWERED ON:26.07.2017
Recommendation regarding Medical Examination of Rape Victims
Patil Shri A.T. (Nana)

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the J.S.Verma Committee had recommended to abolish two finger test as medical examination of rape victims;

(b) if so, the reasons for not taking any action on this recommendation; and

(c) the steps taken by the Government to amend the relevant protocol for medical examination of victims of sexual assault and abolish the two finger test?

Answer

A N S W E R
MINISTER OF STATE FOR LAW AND JUSTICE AND
ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRI P.P. CHAUDHARY)

(a) & (b): Yes, Sir. The J.S. Verma Committee has recommended to abolish the two-finger test as medical examination of rape victims. As per the recommendations of the J.S. Verma Committee, the Ministry of Health and Family Welfare has issued the guidelines & protocols for medico-legal care for survivors/victims of sexual violence. These guidelines state that two-finger test must not be conducted for establishing rape/sexual violence as it has no bearing on a case of sexual violence. As per As

(c): On the recommendations of the J.S. Verma Committee, the Government of India has brought into force the Criminal Law (Amendment) Act, 2013 to amend the relevant protocol relating to sexual violence or crime against girls/women. The Act states that the evidence of the character of the victim or of such person's previous sexual experience with any person shall not be relevant on the issue of such consent or the quality of consent. The Supreme Court in the case of Lillu @ Rajesh & ANR Vs State of Haryana (2011) also stated that the two finger test and its interpretation violate the right of rape survivors to privacy, physical & mental integrity and dignity.